

ORIGINAL

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March 5, 2003

Via Federal Express

Honorable Yvette Kane
United States District Court
Middle District of Pennsylvania
228 Walnut Street, P.O. Box 983
Harrisburg, PA 17108

Re: *Northland Insurance Co. v. Lincoln General Insurance Co., et al.*
Index No.: 1:01-CV-763
Our File No.: 2015.67

Dear Judge Kane:

This is in response to the February 27, 2003 letter of counsel for defendant Lincoln General Insurance Company.

At the outset, we acknowledge that we were mistaken when we stated that JHM and Statts were dismissed from the action. We apologize for that error.

Attached is a copy of the docket sheet in the instant matter as well as the docket sheet from the original Eastern District Pennsylvania Action.

The Eastern District Pennsylvania docket sheet, entry 10 dated September 15, 2000, indicates that by stipulation a number of Defendants were dismissed. A similar agreement was drafted with regard to JHM and Statts (an unexecuted copy of the agreement is attached hereto). We mistakenly believed that the agreement had been executed with regard to JHM and Statts.

SCHINDEL, FARMAN & LIPSIOUS LLP

Honorable Yvette Kane
March 5, 2003
Page 2

For this we apologize.

Neither JHM nor Statts have ever entered an appearance in this action. There is no record of Lincoln General ever having served Statts or JHM with the cross-claim. We therefore believe that we are correct that Lincoln General has failed to make JHM and Statts parties to this action, Lincoln General has failed to serve either party.

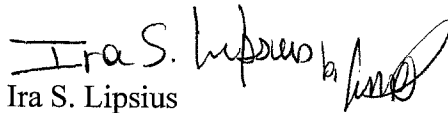
Mr. McCormick has never personally been made a party to this action.

The fact remains that Northland could not have raised the issue of waiver and the Lincoln failed to serve the parties who could have raised it, JHM, McCormick and Statts.

Again, on behalf of Northland and on my own behalf, I personally apologize to the Court and to counsel for the referenced error.

Respectfully yours,

SCHINDEL, FARMAN & LIPSIOUS LLP


Ira S. Lipsius

Enclosures

cc: (Via First Class Mail)a
Jonathan H. Rudd, Esq.

**U.S. District Court
Middle District of Pennsylvania (Harrisburg)
CIVIL DOCKET FOR CASE #: 1:01-cv-00763-YK**

Northland Insurance v. Lincoln General Ins, et al
Assigned to: Judge Yvette Kane
Referred to:
Demand: \$0
Lead Docket: None
Related Cases: None
Case in other court: EDPA, 00-cv-3174
Cause: 28:1332 Diversity-Insurance Contract

Date Filed: 05/04/01
Jury Demand: None
Nature of Suit: 110 Insurance
Jurisdiction: Diversity

Plaintiff

Northland Insurance Company

represented by **David Ira Rosenbaum**
Klett Rooney Lieber and Schorling
Two Logan Square 12th Floor
18th & Arch Streets
Philadelphia, PA 19102
215-567-7507
Fax : 12155672737
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ira S. Lipsius
Schindel, Farman & Lipsius LLP
225 West 34th Street
New York, NY 10122
(212) 563-1710
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Lincoln General Insurance Company

represented by **Jonathan H. Rudd**
McNees Wallace & Nurick
100 Pine Street
Harrisburg, PA 17108-1166
(717) 237-5405
Fax : 17172375300
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

J.H.M.Enterprises, Inc.

Vernice L. Statts

Sherrill J. Mulligan

Denis A. Mulligan

Robert E. Krapf
TERMINATED: 05/04/2001

represented by **Charles M. Miller**
Rubright, Domalakes, Troy, & Miller
P.O. Box 9
Frackville, PA 17931-0009
(717) 874-1109
TERMINATED: 05/04/2001
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ute L. Hetland Clark, as
Administrators of the Estate of Karin
Clifford
TERMINATED: 05/04/2001

represented by **Charles M. Miller**
(See above for address)
TERMINATED: 05/04/2001
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert E. Krapf
TERMINATED: 05/04/2001

represented by **Charles M. Miller**
(See above for address)
TERMINATED: 05/04/2001
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Patricia R. Clifford, Administrators of
the Estate of Robert R. Clifford
TERMINATED: 05/04/2001

represented by **Charles M. Miller**
(See above for address)
TERMINATED: 05/04/2001
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

Lincoln General Insurance Company

represented by **Jonathan H. Rudd**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Counter Defendant

Northland Insurance Company

represented by **David Ira Rosenbaum**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ira S. Lipsius

(See above for address)

V.

Cross Claimant

Lincoln General Insurance Company represented by **Jonathan H. Rudd**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Cross Defendant

J.H.M.Enterprises, Inc.
Vernice L. Statts

ThirdParty Plaintiff

Lincoln General Insurance Company represented by **Jonathan H. Rudd**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

ThirdParty Defendant

Woolever Brothers Transportation, Inc. represented by **Andrew R. Spiegel**
3901-A Main Street
2nd Floor
Philadelphia, PA 19127
215-483-9800
Fax : 12154832170
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Beth A. Carter
Bennett, Bricklin & Saltzburg
1601 Market Street
16th Floor
Philadelphia, PA 19103
215-561-4302
TERMINATED: 10/26/2001

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Louis E. Bricklin
Bennett, Bricklin & Saltzburg LLP
313 West Liberty Street
Suite 371
Lancaster, PA 17603
717-393-4400
Fax : 12155616661
TERMINATED: 10/26/2001
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

**Woolever Brothers Transportation,
Inc.**

represented by **Andrew R. Spiegel**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Beth A. Carter
(See above for address)
TERMINATED: 10/26/2001
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Louis E. Bricklin
(See above for address)
TERMINATED: 10/26/2001
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Counter Defendant

Lincoln General Insurance Company

represented by **Jonathan H. Rudd**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Filing Date	#	Docket Text
05/04/2001	<u>1</u>	ORIGINAL FILE, CERTIFIED COPY OF TRANSFER ORDER AND DOCKET SHEET received from Eastern District of PA. (rm) (Entered: 05/08/2001)

05/11/2001	<u>2</u>	LETTER from court to counsel Re: case assignment & procedure. (seal) (Entered: 05/11/2001)
08/02/2001	<u>3</u>	ANSWER to complaint and CROSSCLAIM by defendant Lincoln General Insurance against defendants J.H.M.Enterprises and Vernice L. Statts with exhs. attached and c of s. (jc) (Entered: 08/03/2001)
08/02/2001	3	COUNTERCLAIM by defendant Lincoln General Insurance against plaintiff Northland Insurance Co. (jc) (Entered: 08/03/2001)
08/02/2001	<u>4</u>	THIRD-PARTY COMPLAINT: by defendant Lincoln General Insurance Company against Woolever Brothers Transportation. (c/s) (am) (Entered: 08/03/2001)
08/02/2001		THIRD PARTY SUMMONS ISSUED - as to third-party defendant Woolever Brothers Transportation w/N&C, 3rd-pty complt. (am) (Entered: 08/03/2001)
08/14/2001	<u>5</u>	RETURN OF SERVICE executed upon third-party defendant Woolever Brothers Transportation on 8/13/01 by personal service. (jc) (Entered: 08/15/2001)
08/24/2001	<u>6</u>	ENTRY OF ATTORNEY APPEARANCE for third-party defendant Woolever Brothers Transportation, Inc. by atty Louis E. Bricklin, Beth A. Carter (vg) (Entered: 08/27/2001)
08/24/2001	<u>7</u>	MOTION with MEMORANDUM IN SUPPORT by third-party defendant Woolever Brothers Transportation, Inc. to extend time until 10/2/01 to answer third party complt ; C/S; Propo. (vg) (Entered: 08/27/2001)
08/27/2001		SPECIAL ADMISSION FORM sent to attorney: Louis E. Bricklin (vg) (Entered: 08/27/2001)
08/27/2001		SPECIAL ADMISSION FORM sent to attorney: Beth A. Carter (vg) (Entered: 08/27/2001)
08/31/2001	<u>8</u>	ORDER by Judge Yvette Kane granting motion to extend time until 10/2/01 to answer third party complt. [7-1] (cc: all counsel, court) (jk) (Entered: 08/31/2001)
08/31/2001		ATTORNEY SPECIAL ADMISSION form received from: Laurence S. Litow forwarded to judge for approval. Receipt #: 134695 Amt: \$25.00 (vg) (Entered: 09/04/2001)
09/27/2001	<u>9</u>	ANSWER by counter-defendant Northland Insurance to COUNTERCLAIM; C/S. (vg) (Entered: 09/28/2001)

09/28/2001		SPECIAL ADMISSION FORM sent to attorney: Ira S. Lipsius (vg) (Entered: 09/28/2001)
10/02/2001	<u>10</u>	ANSWER by third-party defendant Woolever Brothers Transportation, Inc. with AFFIRMATIVE DEFENSES to THIRD PARTY COMPLAINT of Lincoln General Ins. Co and Counterclaim against Lincoln General Ins. Co. (sc) (Entered: 10/03/2001)
10/02/2001	10	COUNTERCLAIM by third-party defendant Woolever Brothers Transportation, Inc. against third-party plaintiff Lincoln General Insurance Company. (sc) (Entered: 10/03/2001)
10/04/2001	<u>11</u>	ORDER by Judge Yvette Kane Scheduling conf set for 10:30 a.m. on 12/7/01 "Joint CM Plan" due 11/30/01. (cc: all counsel, court) (jk) (Entered: 10/04/2001)
10/05/2001		ATTORNEY SPECIAL ADMISSION form received from: Andrew Spiegel forwarded to judge for approval. Receipt #: 111 134926 Amt: \$25.00 (vg) (Entered: 10/09/2001)
10/10/2001	<u>12</u>	DOCUMENT - Withdrawal and Entry of Appearance filed by David Ira Rosenbaum, Esquire o/b/o Northland Insurance Company. Mr. Rosenbaum is now at a different firm and address. Address is correct in the system. (sc) (Entered: 10/11/2001)
10/10/2001	<u>13</u>	AMENDED ANSWER by counter-defendant Northland Insurance to the Counter-Claim; with c/s. (sc) (Entered: 10/11/2001)
10/16/2001		ATTORNEY SPECIAL ADMISSION form received from: Ira S. Lipsius and forwarded to Judge Kane for approval. Receipt #: 111 135013 Amt: \$25.00 (jc) (Entered: 10/17/2001)
10/19/2001	<u>14</u>	REQUEST OF ATTORNEY Ira S. Lipsius FOR SPECIAL ADMISSION to practice on behalf of Northland Insurance and approved by Judge Kane. (cc: Lipsius, Registry & Roseanne) (jc) (Entered: 10/22/2001)
10/19/2001	<u>15</u>	REQUEST OF ATTORNEY Andrew Spiegel FOR SPECIAL ADMISSION to practice on behalf of Woolever Brothers and approved by Judge Kane. (cc: Spiegel, Registry & Roseanne) (jc) (Entered: 10/22/2001)
10/26/2001	<u>16</u>	WITHDRAWAL OF APPEARANCE: by Beth A. Carter, Esq., and Louis Bricklin, Esq., Bennet, Bricklin & Saltzburg to withdraw appearance on behalf of third-party defendant Woolever Brothers Transportation, Inc., counter-claimant Woolever Brothers Transportation, Inc. (vg) (Entered: 10/29/2001)

11/01/2001	<u>17</u>	REPLY by defendant Lincoln General Ins to 3rd Pty Dft Woolever Brothers Transportation, Inc.'s Counterclaim, together with affirmative defenses [10-1]; with c/s. (sc) (Entered: 11/02/2001)
12/03/2001	<u>18</u>	JOINT CASE MANAGEMENT PLAN returned by cnsl. All parties do not agree to jurisdiction by a magistrate judge. (vg) (Entered: 12/04/2001)
12/07/2001	<u>19</u>	MINUTE SHEET of case mgmt. conf. held by Judge Yvette Kane on 12/7/01 beginning at 10:35am. Rmks: J/Sel - 11/4/02 - Case mgmt order to issue. (sc) (Entered: 12/10/2001)
01/09/2002	<u>20</u>	CASE MANAGEMENT ORDER by Judge Yvette Kane - Jury trial set 11/4/02; Jury selection scheduled 9:30 a.m. on 11/4/02; Discovery cutoff 5/31/02; Pretrial memorandum due 10/18/02; Pretrial conference set 3:00 p.m. on 10/24/02. Case placed on COMPLEX Case Mgmt. Track (cc: all counsel, court) (jk) (Entered: 01/09/2002)
01/22/2002	21	MINUTE SHEET - of Discovery Dispute TC held 1/9/02. (jk) (Entered: 01/22/2002)
05/16/2002	22	MINUTE SHEET of TC held for discovery dispute by J. kane on 5/15/02. (jk) (Entered: 05/16/2002)
05/17/2002	<u>23</u>	ORDER by Judge Yvette Kane Pursnant to a telephone conf. held with cnsl. on 5/15/02, IT IS ORDERED THAT pltf shall have until 5/22/02 to file its anticipated mtn to enforce settlement and supporting brief. Defts' brief in opp. is due no later than 5/22/02, and any reply brief is due no later than 6/5/02. Discovery shall be stayed until 6/17/02, or as directed by further order of the Court. (cc: all counsel & Ct.) (jc) (Entered: 05/17/2002)
05/22/2002	<u>24</u>	MOTION by plaintiff for summary judgment ; C/S (pm) (Entered: 05/23/2002)
05/22/2002	<u>25</u>	BRIEF by plaintiff IN SUPPORT of motion for summary judgment [24-1]; C/S (pm) (Entered: 05/23/2002)
05/22/2002	<u>26</u>	CERTIFICATE of CONCURRENCE by plaintiff. (pm) (Entered: 05/23/2002)
05/24/2002	<u>27</u>	CERTIFICATE OF SERVICE by pltf Northland Insurance that the Mtn by pltf for Sumjgm was served on dft on 5/23/02. (sc) (Entered: 05/28/2002)
05/24/2002	<u>28</u>	STATEMENT OF UNDISPUTED MATERIAL FACTS by pltf Northland Insurance in support of motion for summary judgment [24-

		1]; with c/s. (sc) (Entered: 05/28/2002)
05/24/2002	<u>29</u>	EXHIBITS (Captioned: Affidavit) filed by pltf Northland Ins in support of the mtn for sum/jgm [24-1]; with c/s. (sc) (Entered: 05/28/2002)
05/29/2002	<u>30</u>	ORDER by Judge Yvette Kane: IT IS ORDERED THAT the 5/17/02 Order of this Court is amended so that the second sentence shall now read: Defendants' brief in opposition is due no later than 5/31/02, and any reply brief is due no later than 6/5/02. (cc: all counsel, court) (jk) (Entered: 05/29/2002)
06/04/2002	<u>31</u>	RESPONSE by defendant Lincoln Genl Ins to pltf's statement of material facts; C/S, Propo (pm) Modified on 06/05/2002 (Entered: 06/05/2002)
06/04/2002	<u>32</u>	BRIEF by defendant Lincoln General Ins IN OPPOSITION to motion for summary judgment [24-1] ;reply brief due 6/17/02; C/S (pm) (Entered: 06/05/2002)
06/04/2002	<u>33</u>	AFFIDAVIT of Jonathan Rudd [31-1]; C/S (pm) (Entered: 06/05/2002)
06/04/2002	<u>34</u>	AFFIDAVIT of Albert N. Miller [31-1]; C/S (pm) (Entered: 06/05/2002)
06/04/2002	<u>35</u>	AFFIDAVIT of Timothy Kirk [31-1]; C/S (pm) (Entered: 06/05/2002)
06/04/2002	<u>36</u>	EXHIBITS by defendant Lincoln General Ins re motion response [32-1]; C/S (pm) (Entered: 06/05/2002)
06/11/2002	<u>37</u>	REPLY BRIEF by plaintiff Northland Insurance in support of motion for summary judgment [24-1]; C/S. (vg) (Entered: 06/12/2002)
07/17/2002	<u>38</u>	MEMORANDUM AND ORDER: by Judge Yvette Kane denying Pltf Northland Insurance Company's motion for summary judgment [24-1] Teleconf will be held 9:30 a.m. on 8/2/02 to discuss scheduling matters. Pltf's cnsl shall initiate call. (cc: all counsel court) (vg) (Entered: 07/18/2002)
07/30/2002	<u>39</u>	ORDER by Judge Yvette Kane Teleconf RESCHEDULED to 9:30 a.m. on 8/9/02 (cc: all counsel, court) (jk) (Entered: 07/30/2002)
08/08/2002	<u>40</u>	ORDER by Judge Yvette Kane Teleconf RESCHEDULED to 11:30 a.m. on 8/15/02 (cc: all counsel, court) (jk) (Entered: 08/08/2002)

08/16/2002	<u>41</u>	MINUTE SHEET - of TC held by J. Kane on 8/15/02. Order to issue. term ddl (jk) (Entered: 08/16/2002)
09/17/2002	<u>42</u>	ORDER by Judge Yvette Kane Trial RESCHEDULED to 9:30 a.m. on 1/27/03; Discovery EXTENDED UNTIL 11/15/02; Pretrial conference SET 10:00 a.m. on 12/18/02; Pretrial memorandum DUE 12/11/02 (cc: all counsel, court) (jk) (Entered: 09/17/2002)
09/17/2002	<u>43</u>	ORDER by Judge Yvette Kane Case reassigned to Judge Christopher C. Conner (cc: all counsel, court) (jk) (Entered: 09/17/2002)
09/30/2002	<u>44</u>	LETTER - from Jonathan H. Rudd, Esquire to Court dated 9/25/02 requesting the Court's recusal from the case. (jc) (Entered: 10/01/2002)
10/01/2002	<u>45</u>	ORDER OF RECUSAL by Judge Christopher C. Conner. Clerk of Court shall reassign case to another judge. Case reassigned to Judge Yvette Kane (cc: all counsel, Judge Conner, Judge Kane) (vg) (Entered: 10/02/2002)
11/25/2002	<u>46</u>	STIPULATION by cnsl for pltf and deft regarding coverage for the vehicle under Northland Insurance Company's policy issued to Woolever Brothers Transportation, Inc., (pm) (Entered: 11/26/2002)
12/02/2002	<u>46</u>	ORDER by Judge Yvette Kane granting stipulation regarding coverage for the vehicle under Northland Insurance Co.'s Policy issued to Woolever Brothers Transportation, Inc. [46-1] (cc: all counsel & Ct.) (jc) (Entered: 12/02/2002)
12/13/2002	<u>47</u>	PRE-TRIAL MEMORANDUM submitted by defendant Lincoln General Insurance Co. and c of s. (jc) (Entered: 12/16/2002)
12/13/2002	<u>48</u>	PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW by defendant Lincoln General Insurance Co. and c of s. (jc) (Entered: 12/16/2002)
12/18/2002	<u>49</u>	PRE-TRIAL MEMORANDUM submitted by plaintiff with exh. list attached. (jc) (Entered: 12/19/2002)
12/19/2002	<u>50</u>	MINUTE SHEET - of PTC held by J. Kane on 12/18/02. term ddl (jk) (Entered: 12/19/2002)
12/19/2002	<u>51</u>	ORDER by Judge Yvette Kane - IT IS ORDERED THAT Woolever shall show cause, no later than 1/9/03, why the counterclaim against Lincoln General shall not be dismissed for failiure to prosecute. Failure to show cause by that date will result in the dismissal of the counterclaim. (cc: all counsel, court) (seal) (Entered: 12/19/2002)

12/20/2002	<u>52</u>	NORTHLAND INSURANCE COMPANY'S PRE-TRIAL MEMORANDUM submitted by cnsl for Woolever Brothers. (vg) (Entered: 12/23/2002)
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PACER Service Center			
Transaction Receipt			
03/04/2003 16:40:12			
PACER Login:	sf0186	Client Code:	2015.67
Description:	Docket Report	Case Number:	1:01-cv-00763-YK
Billable Pages:	4	Cost:	0.28

1: CV 01-0763

f-STND CLOSED
A/R

U.S. District Court
U.S. District Court of Eastern Pennsylvania (Philadelphia)

CIVIL DOCKET FOR CASE #: 00-CV-3174

NORTHLAND INSURANCE v. LINCOLN GENERAL INS., et al
Assigned to: JUDGE PETRESE B. TUCKER
Demand: \$0,000
Lead Docket: None
Dkt# in other court: None

Filed: 06/22/00

Nature of Suit: 110
Jurisdiction: Diversity

Cause: 28:1332 Diversity-Declaratory Judgment

NORTHLAND INSURANCE COMPANY
PLAINTIFF

DAVID IRA ROSENBAUM
[COR LD NTC]
RUTHRAUFF & ARMBRUST, P.C.
1601 MARKET STREET
PHILADELPHIA, PA 19103-1913
USA

v.

LINCOLN GENERAL INSURANCE
COMPANY
DEFENDANT

JONATHAN H. RUDD
FAX 717-237-5300
[COR LD NTC]
MC NEES, WALLACE & NURICK
100 PINE STREET
P.O. BOX 1166
HARRISBURG, PA 17108-1166
USA
TEL 717-237-5252

FILED
SCRANTON

MAY 04 2001

PER RMV
DEPUTY CLERK

J.H.M. ENTERPRISES, INC.
DEFENDANT

VERNICE L. STATTS
DEFENDANT

ROBERT E. KRAPP
DEFENDANT
[term 09/15/00]

CHARLES M. MILLER
RUBRIGHT, DOMALAKES, TROY &
MILLER
14 W. FRACK STREET
P.O. BOX 9, LAW BLDG.
FRACKVILLE, PA 17931-0009
USA

Docket as of May 1, 2001 11:27 am

Page 1

A TRUE COPY CERTIFIED TO FROM THE REI

DATED: 5-1-01

ATTEST: E. L. Pollack

Proceedings include all events.

2:00cv3174 NORTHLAND INSURANCE v. LINCOLN GENERAL INS., et al

f-ST
CLOSED A/R

UTE L. HETLAND CLARK, AS
ADMINISTRATORS OF THE ESTATE
OF KARIN CLIFFORD
DEFENDANT

[term 09/15/00]

CHARLES M. MILLER
(See above)
[COR LD NTC]

ROBERT E. KRAPF
DEFENDANT
[term 09/15/00]

CHARLES M. MILLER
(See above)
[COR LD NTC]

PATRICIA R. CLIFFORD, AS
ADMINISTRATORS OF THE ESTATE
OF ROBERT R. CLIFFORD
DEFENDANT

[term 09/15/00]

CHARLES M. MILLER
(See above)
[COR LD NTC]

SHERRILL J. MULLIGAN
DEFENDANT

DENIS A. MULLIGAN
DEFENDANT

Proceedings include all events.

2:00cv3174 NORTHLAND INSURANCE v. LINCOLN GENERAL INS., et al

f-ST
CLOSED A/R

6/22/00 1 Complaint. filing fee \$150 receipt #735165 (tj)
[Entry date 06/23/00]

6/22/00 -- Summons(es) 9 issued. Mailed to counsel on 6/23/00. (tj)
[Entry date 06/23/00]

6/22/00 -- Standard Case Management Track. (tj) [Entry date 06/23/00]

7/17/00 2 Return of service executed as to DEFENDANT J.H.M.
ENTERPRISES on 7/2/00. (fb) [Entry date 07/17/00]

7/17/00 3 Return of service executed as to DEFENDANT DENIS A.
MULLIGAN, DEFENDANT SHERRILL J. MULLIGAN, DEFENDANT VERNICE
L. STATTS on 7/11/00. (fb) [Entry date 07/17/00]

7/19/00 4 Affidavit of: Donald W. Good re: served summons and
complaint upon TIMOTHY KIRK ON BEHALF OF DEFENDANT
LINCOLN GENERAL INS. . Served by: personal service on
7/5/00 . (ldb) [Entry date 07/19/00]

7/31/00 5 Affidavit of: Kathleen Fox re: served summons and complaint
upon DEFENDANT UTE L. HETLAND CLARK . Served by: service on
7/19/00. (gn) [Entry date 07/31/00]

8/2/00 6 ORDER, REASSIGNING FROM THE CALENDAR OF JUDGE WILLIAM H.
YOHNN JR. TO THE CALENDAR OF JUDGE PETRESE B. TUCKER . (
SIGNED BY CLERK OF COURT MICHAEL E. KUNZ) 8/2/00 ENTERED
AND COPIES MAILED . (ldb) [Entry date 08/02/00]

8/8/00 7 Affidavit of: John E. Glatz re: served summons and
complaint upon DEFENDANT ROBERT E. KRAPF . Served by:
personal service on 7/27/00 . (ldb) [Entry date 08/08/00]

8/17/00 8 STIPULATION AND ORDER, reset ANSWER DUE FOR 8/18/00 for
LINCOLN GENERAL INS. (Attorney: JONATHAN H. RUDD) (
SIGNED BY JUDGE PETRESE B. TUCKER) 8/17/00 ENTERED AND
COPIES MAILED (ldb) [Entry date 08/17/00]

8/21/00 9 MOTION BY DEFENDANT LINCOLN GENERAL INSURANCE COMPANY, TO
DISMISS FOR IMPROPER VENUE, CERTIFICATE OF SERVICE, BRIEF
IN SUPPORT, CERTIFICATE OF SERVICE. (dt)
[Entry date 08/21/00]

9/15/00 10 STIPULATION AND ORDER THAT PLFF DISMISSES ITS COMPLAINT
AGAINST DEFTS ROBERT E. KRAPF AND UTE L. HETLAND CLAR, AS
ADMINISTRATORS OF THE ESTATE OF KARIN CLIFFORD AND ROBERT
E. KRAPF AND PATRICIA R. CLIFFORD AS ADMINISTRATORS OF THE
ESTATE OF ROBERT R. CLIFFORD ONLY. IT IS STIPULATED AND
AGREED THAT THE DISMISSED DEFTS WILL BE BOUND BY ANY
DECISION OR JUDGMENT THAT THE COURT MAY REACH IN THE
LAWSUIT WITH RESPECT TO THE OBLIGATIONS OF NORTHLAND
INSURANCE CO. AND LINCOLN GENERAL INS. CO., ETC. (SIGNED
BY JUDGE PETRESE B. TUCKER) 9/15/00 ENTERED AND COPIES
MAILED AND FAXED. (gn) [Entry date 09/15/00]

Proceedings include all events.

2:00cv3174 NORTHLAND INSURANCE v. LINCOLN GENERAL INS., et al f-S' CLOSED A/R

9/18/00 11 Response by PLAINTIFF NORTHLAND INSURANCE in opposition to LINCOLN INSURANCE COMPANY'S MOTION TO DISMISS FOR IMPROPER VENUE,, MEMORANDUM, Certificate of Service. (ldb) [Entry date 09/19/00]

10/3/00 12 BRIEF IN RESPONSE by DEFENDANT LINCOLN GENERAL INS. to PLAINTIFF'S BRIEF IN OPPOSITION TO DEFENDANT LINCOLN GENERAL INSURANCE COMPANY'S MOTION TO DISMISS FOR IMPROPER VENUE, Certificate of Service. (ldb) [Entry date 10/03/00]

3/29/01 13 MEMORANDUM AND ORDER THAT DEFT.'S MOTION TO DISMISS FOR IMPROPER VENUE IS DENIED. IT IS FURTHER ORDERED THAT THIS ACTION IS TRANSFERRED TO THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA, PURSUANT TO 28 U.S.C. SEC. 1406. THE CLERK SHALL TRANSFER THE RECORD TO THAT DISTRICT AND TERMINATE THIS CASE FROM THIS COURT'S DOCKET. (SIGNED BY JUDGE PETRESE B. TUCKER), 3/30/01 ENTERED AND COPIES MAILED AND FAXED BY CHAMBERS ON 3/29/01. (rp) [Entry date 03/30/01]

3/29/01 -- Case closed (kv) [Entry date 03/30/01]

4/30/01 -- Original record together with certified copy of docket entries forwarded to the Middle District of Pennsylvania. (rp) [Entry date 05/01/01]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

----- X
NORTHLAND INSURANCE COMPANY,

Plaintiff,

v.

Index No. _____

LINCOLN GENERAL INSURANCE COMPANY,
J.H.M. ENTERPRISES, INC., VERNICE L.
STATTS, ROBERT E. KRAPP and UTE L.
HETLAND CLARK, as Administrators of the
Estate of Karin Clifford and ROBERT E. KRAPP
and PATRICIA R. CLIFFORD, as Administrators
of the Estate of Robert R. Clifford, SHERRILL J.
MULLIGAN, DENIS A. MULLIGAN,

Defendants.
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STIPULATION AND ORDER
OF DISMISSAL

IT IS HEREBY STIPULATED AND AGREED by the undersigned attorneys that the above captioned lawsuit be and is hereby dismissed pursuant to Fed. R. Civ.P. 41(a) as against J.H.M. Enterprises, Inc. and Vernice L. Statts.

IT IS FURTHER STIPULATED AND AGREED by the undersigned attorneys that J.H.M. Enterprises and Vernice L. Statts will be bound by any decision or judgment which the court may reach in the above captioned lawsuit in regard to the obligations of Northland Insurance Company and Lincoln General Insurance Company to provide insurance coverage for the liability of JHM Enterprises, Vernice L Statts and Woolever in the Clifford and Mulligan Actions (the "Underlying Actions").

Dated: August , 2000

METTE, EVANS & WOODSIDE
HARRISBURG, PA 17110
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